

**From:** [Terada, Derrick](#)  
**To:** [Trivedi, Adrienne](#); [Teter, Royan](#); [Dinkins, Darlene](#); [Vizard, Elizabeth](#); [Kadish, Rochele](#)  
**Cc:** [Han, Kaythi](#); [Sisco, Debby](#); [Hull, George](#); [Egan, Patrick](#); [Schulze, Chad](#); [El-Abdaoui, Fatima](#); [Bingham, Kimberly](#); [Beard, Phillip](#)  
**Subject:** RE: Press response for your review: LINDA/OPP: Franklin County Free Press - Pesticide Tolerances (Attachment Enforcement Confidential)  
**Date:** Monday, May 20, 2019 6:47:06 PM  
**Attachments:** (b) (6), (b) (5) .pdf

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Hello all, I wanted to point out that we got an ECR response (attached) about a similar situation about an Azadirachtin product contaminated with permethrin, bifenthrin, cyfluthrin, chlorpyrifos and malathion.

(b) (5)

Note: The ECR is Enforcement Confidential and FOIA Exempt.

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Derrick Terada  
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Air and Toxics Enforcement Section  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 10, Suite 155  
1200 Sixth Avenue, 20-C04  
Seattle, WA 98101  
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**From:** Trivedi, Adrienne  
**Sent:** Monday, May 20, 2019 1:37 PM  
**To:** Teter, Royan <Teter.Royan@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Kadish, Rochele <Kadish.Rochele@epa.gov>  
**Cc:** Han, Kaythi <Han.Kaythi@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Schulze, Chad <Schulze.Chad@epa.gov>; El-Abdaoui, Fatima <El-Abdaoui.Fatima@epa.gov>; Bingham, Kimberly <Bingham.Kimberly@epa.gov>; Terada, Derrick <Terada.Derrick@epa.gov>; Beard, Phillip <Beard.Phillip@epa.gov>

**Subject:** RE: Press response for your review: LINDA/OPP: Franklin County Free Press - Pesticide Tolerances

Hi Debby, I'm copying George and Patrick in OECA's communications shop. I'm also copying Regional folks who are familiar with this product and the state actions. I would suggest adding the following to address his other questions:

Triple Action Neem Oil (EPA Reg. No. 70051-2-829) is a distributor product under the primary registration for [NEEM OIL 70% \(EPA Reg. No. 70051-2\)](#). The only active ingredient the EPA has approved for this product formulation is neem oil. Malathion, chlorpyrifos, and permethrin are not approved for use in this product. Though these active ingredients are used in other **registered pesticides** ~~approved formulations~~, there is no acceptable amount of these substances that should be present in this particular product.

**EPA is aware of the state actions that have been taken regarding this product. While we cannot comment on the status of any investigation, EPA continues to work with our state partners to enforce against the sale and distribution of illegal pesticides.**

**EPA's authority to mandate a product recall under the Federal Insecticide, Fungicide and Rodenticide Act**

is limited to products that have been suspended and cancelled.

Adrienne Trivedi  
Attorney  
Pesticides and Tanks Enforcement Branch  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement, OECA  
U.S. Environmental Protection Agency  
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**From:** Teter, Royan

**Sent:** Monday, May 20, 2019 3:45 PM

**To:** Dinkins, Darlene <[Dinkins.Darlene@epa.gov](mailto:Dinkins.Darlene@epa.gov)>; Vizard, Elizabeth <[Vizard.Elizabeth@epa.gov](mailto:Vizard.Elizabeth@epa.gov)>; Kadish, Rochele <[Kadish.Rochele@epa.gov](mailto:Kadish.Rochele@epa.gov)>

**Cc:** Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Han, Kaythi <[Han.Kaythi@epa.gov](mailto:Han.Kaythi@epa.gov)>; Sisco, Debby <[Sisco.Debby@epa.gov](mailto:Sisco.Debby@epa.gov)>; Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>; Trivedi, Adrienne <[Trivedi.Adrienne@epa.gov](mailto:Trivedi.Adrienne@epa.gov)>

**Subject:** RE: Press response for your review: LINDA/OPP: Franklin County Free Press - Pesticide Tolerances

Hi Darlene – Just getting back on the grid. Will be back in the office tomorrow. Just had one minor suggested edit. response.

**Proposed Response:**

Triple Action Neem Oil (EPA Reg. No. 70051-2-829) is a distributor product under the primary registration for [NEEM OIL 70% \(EPA Reg. No. 70051-2\)](#). The only active ingredient the EPA has approved for this product formulation is neem oil. Malathion, chlorpyrifos, and permethrin are not approved for use in this product. Though these active ingredients are used in other **registered pesticides** ~~approved formulations~~, there is no acceptable amount of these substances that should be present in this particular product.

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**From:** Dinkins, Darlene

**Sent:** Friday, May 17, 2019 4:31 PM

**To:** Teter, Royan <[Teter.Royan@epa.gov](mailto:Teter.Royan@epa.gov)>; Vizard, Elizabeth <[Vizard.Elizabeth@epa.gov](mailto:Vizard.Elizabeth@epa.gov)>; Kadish, Rochele <[Kadish.Rochele@epa.gov](mailto:Kadish.Rochele@epa.gov)>

**Cc:** Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Han, Kaythi <[Han.Kaythi@epa.gov](mailto:Han.Kaythi@epa.gov)>; Sisco, Debby <[Sisco.Debby@epa.gov](mailto:Sisco.Debby@epa.gov)>; Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>

**Subject:** FW: Press response for your review: LINDA/OPP: Franklin County Free Press - Pesticide Tolerances

Hi Royan, Liz and Rochele,

OPP received the press inquiry below regarding recent actions from Pennsylvania and Oregon Depts of Ag, advising consumers to discard Triple Action Neem Oil because during testing traces of malathion, chlorpyrifos, and permethrin were found. We drafted the response below and wanted to touch base with you for concurrence and to see if you were aware of this issue.

*Darlene Dinkins*

Office of Pesticide Programs

U.S. Environmental Protection Agency  
(703) 305-5214

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**From:** Han, Kaythi

**Sent:** Friday, May 17, 2019 3:25 PM

**To:** Dinkins, Darlene <[Dinkins.Darlene@epa.gov](mailto:Dinkins.Darlene@epa.gov)>

**Cc:** Sisco, Debby <[Sisco.Debby@epa.gov](mailto:Sisco.Debby@epa.gov)>; Borges-Silva, Quentin <[Borges-Silva.Quentin@epa.gov](mailto:Borges-Silva.Quentin@epa.gov)>;  
Naimy, Nina <[Naimy.Nina@epa.gov](mailto:Naimy.Nina@epa.gov)>

**Subject:** For your review: LINDA/OPP: Franklin County Free Press - Pesticide Tolerances

Hi Darlene,

Quentin ran this product summary below by Linda Hollis who concurred on it, but we all agree that OECA needs to weigh in on this situation and what information we provide to the reporter.

### **Incoming questions:**

My name is David Taylor with Franklin County Free Press. My questions are in reference to "Triple Action Neem Oil Broad Spectrum Fungicide, Insecticide, and Miticide" containing "Malathion, Chlorpyrifos, and Permethrin". The [Pennsylvania Department of Agriculture](#) issued a press release advising everyone to dispose of the product. The [Oregon Department of Agriculture](#) has issued a removal order to Southern Agricultural Insecticides Inc. Other states that we have found warnings issued are Alaska, Colorado, and Texas.

What is the EPA position on this issue?

Will the EPA issue a recall for Triple Action Neem Oil Broad Spectrum Fungicide, Insecticide, and Miticide?

What is the PPM of Malathion in the product?

What is the EPA acceptable limit for Malathion?

What is the PPM of Chlorpyrifos in the product?

What is the EPA acceptable limit for Chlorpyrifos?

What is the PPM of Permethrin in the product?

What is the EPA acceptable limit for Permethrin?

### **Proposed Response:**

Triple Action Neem Oil (EPA Reg. No. 70051-2-829) is a distributor product under the primary registration for [NEEM OIL 70% \(EPA Reg. No. 70051-2\)](#). The only active ingredient the EPA has approved for this product formulation is neem oil.

Malathion, chlorpyrifos, and permethrin are not approved for use in this product.

Though these active ingredients are used in [other approved](#) formulations, there is no acceptable amount of these substances that should be present in this particular product.

Kaythi Han

Team Leader, Communication Services Branch

[Office of Pesticide Programs](#)

U.S. Environmental Protection Agency

(703) 305-5642 | [han.kaythi@epa.gov](mailto:han.kaythi@epa.gov)

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**From:** Daguiard, Robert

**Sent:** Friday, May 17, 2019 10:59 AM

**To:** Strauss, Linda <[Strauss.Linda@epa.gov](mailto:Strauss.Linda@epa.gov)>; Dunton, Cheryl <[Dunton.Cheryl@epa.gov](mailto:Dunton.Cheryl@epa.gov)>; Sisco, Debby <[Sisco.Debby@epa.gov](mailto:Sisco.Debby@epa.gov)>; Han, Kaythi <[Han.Kaythi@epa.gov](mailto:Han.Kaythi@epa.gov)>; Dinkins, Darlene <[Dinkins.Darlene@epa.gov](mailto:Dinkins.Darlene@epa.gov)>

**Subject:** LINDA/OPP: Franklin County Free Press - Pesticide Tolerances

**FRANKLIN COUNTY FREE PRESS**

**DAVID TAYLOR**

**AWAITING DDL INFO**

Colleagues, just to give you a head start. Thanks in advance, and as always.

Cheers, R.

**Robert Daguiard**

**Office of Media Relations**

**U.S. Environmental Protection Agency**

**Washington, DC**

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My name is David Taylor with Franklin County Free Press My questions are in reference to "Triple Action Neem Oil Broad Spectrum Fungicide, Insecticide, and Miticide" containing "Malathion, Chlorpyrifos, and Permethrin". The [Pennsylvania Department of Agriculture](#) issued a press release advising everyone to dispose of the product. The [Oregon Department of Agriculture](#) has issued a removal order to Southern Agricultural Insecticides Inc. Other states that we have found warnings issued are Alaska, Colorado, and Texas.

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What is the EPA acceptable limit for Malathion?

What is the PPM of Chlorpyrifos in the product?

What is the EPA acceptable limit for Chlorpyrifos?

What is the PPM of Permethrin in the product?

What is the EPA acceptable limit for Permethrin?

Thank You

David Taylor

[fcfreepress@gmail.com](mailto:fcfreepress@gmail.com)

<http://fcfreepress.com>